

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

III. REMARKS

Claims 30-64 were previously pending in the application. The Office Action withdrew Claims 30-39, 42, 43, 47, 48, 51-57, 61, 63 and 64; and rejected Claims 40, 41, 44-46, 49, 50, 58-60 and 62. By the foregoing amendments, Applicants amended Claims 40, 41, 44, 45, 46, 49, 50, 58, 59, 60 and 62; cancelled Claims 30-39, 42, 43, 47, 48, 51-57, 61, 63 and 64 without prejudice; and added new Claims 65-78 to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 40, 41, 44, 45, 46, 49, 50, 58, 59, 60 and 65-78 are in condition for immediate allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' discussion and understanding of the references, if any, is consistent with the Examiner's.

Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

A. Response to the Objection to the Drawings

The Office Action objected to the drawings under 37 C.F.R. § 1.83(a) because the drawings must show every feature of the invention specified in the claims. The Office Action stated the limitation in (1) Claims 40 and 58 of the first and second legs having “a second position in which the first leg and the second leg are in a collapsed configuration” and “a collapsed position,” respectively; and (2) Claim 41 “the second leg including an upper portion that is sized and configured to be selectively received within another of the pairs of the leg receiving recesses in the frame and the table top” must be shown or the features cancelled from the claims.

Applicants respectfully thank Examiner Tran for her careful and thorough review of the drawings. Applicants respectfully traverse this objection because these limitations are set forth in the drawings. However, in order to place the application in condition for immediate allowance, Applicants eliminated these limitations from the claims. Thus, Applicants request that this objection to the drawings be withdrawn.

B. Response to the Objection to Claim 44

The Office Action objected to Claim 44 because “a opening” should be “an opening.” As set forth above, Applicants amended Claim 44 to provide “a first opening.” Accordingly, Applicants request that this objection to the specification be withdrawn.

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

C. Response to the Section 112 Rejection

The Office Action objected to Claims 50 and 62 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As set forth above, Applicants amended Claims 50 and 62 to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, Applicants request that this rejection of Claims 50 and 62 be withdrawn.

D. Response to the First Section 103(a) Rejection

The Office Action rejected Claims 40-41, 45-46 and 49-50 under Section 103(a) as being obvious over U.S. patent no. 4,168,669 issued to Arnoff in view of U.S. patent no. 3,123,935 issued to Williams and U.S. patent no. 6,058,853 issued to Pinch.

The Office Action stated the Arnoff patent discloses a table comprising all the elements recited in the above listed claims, but the Arnoff patent does not disclose a drawer slidably connected to the lower surface of the table top, and the table top constructed from blow-molded plastic including a lower surface, an upper surface spaced apart from the lower surface, the hollow interior portion being at least partially disposed between the upper surface and the lower surface.

The Office Action contends the Williams patent teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. The Office Action concludes that it would have been obvious at the time of the invention to modify the structure of Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

the drawer, as taught by Williams, since both teach alternate conventional table top structure used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

The Office Action also contends the Pinch patent teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface; wherein the blow-molded plastic table top structure provides a lightweight, yet sturdy table top. The Office Action concludes therefore it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a lightweight, yet sturdy table top, as taught by Prince, since both teach alternate conventional table top structure used for the same intended purpose, thereby providing structure as claimed.

Applicants respectfully traverse this rejection because the Arnoff, Williams and Pinch patents, either alone or in combination, do not teach, suggest or disclose each and every element of 40-41, 45-46 and 49-50. Nonetheless, in order to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance, Applicants amended independent Claim 40 to provide, *inter alia*, the following:

a frame connected to the lower surface of the table top, the frame including a first side rail disposed on the first side of the table top and a second side rail disposed

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

on the second side of the table top, the first side rail including at least one guide, the second side rail including at least one guide;

a drawer including a first side wall and a second side wall, the first side wall including an outwardly extending portion that is sized and configured to contact the guide of the first side rail of the frame to allow the drawer to be slidably connected to the frame, the second side wall including an outwardly extending portion that is sized and configured to contact the guide of the second side rail of the frame to allow the drawer to be slidably connected to the frame

Thus, amended Claim 40 positively recites the frame includes a first side rail disposed on the first side of the table top and a second side rail disposed on the second side of the table top, the first side rail including at least one guide, the second side rail including at least one guide. In addition, Claim 40 positively recites the drawer includes a first side wall and a second side wall, the first side wall including an outwardly extending portion that is sized and configured to contact the guide of the first side rail of the frame to allow the drawer to be slidably connected to the frame, the second side wall including an outwardly extending portion that is sized and configured to contact the guide of the second side rail of the frame to allow the drawer to be slidably connected to the frame.

The Arnoff, Williams and Pinch patents, however, do **not** teach, suggest or disclose a frame connected to the lower surface of the table top, the frame including a first side rail disposed on the first side of the table top and a second side rail disposed on the second side of the table top, the first side rail including at least one guide, the second side rail including at least one guide. In addition, the Arnoff, Williams and Pinch patents, however, do **not** teach, suggest or disclose a drawer including a first side wall and a second side wall, the first side wall including an outwardly extending portion that is sized and configured to contact the guide of the first side rail of the frame to allow the drawer to be slidably connected to the frame, the second side wall including an outwardly extending

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

portion that is sized and configured to contact the guide of the second side rail of the frame to allow the drawer to be slidably connected to the frame.

Accordingly, Applicant respectfully request that this Section 103(a) rejection of Claim 40 be withdrawn. In addition, Applicants request that this rejection of Claims 41, 45-46 and 49-50 be withdrawn at least because these claims are dependent upon amended Claim 40. Thus, 40-41, 45-46 and 49-50 should be in condition for immediate allowance.

E. Response to the Second Section 103(a) Rejection

The Office Action rejected Claim 44 under 35 U.S.C. § 103(a) as being unpatentable over the Arnoff patent, as modified, as applied to Claim 10 above, and further in view of U.S. patent no. 5,848,822 issued to Wu. The Office Action states the Arnoff patent, as modified, discloses all the elements as discussed above, except for an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and the second leg are in a collapsed position. The Office Action contends the Wu patent teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. The Office Action concludes therefore it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since teach alternate

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

conventional table top structure used for the same intended purpose, thereby providing structure as claimed.

Applicants respectfully traverse this rejection because the Arnoff and Wu patents, either alone or in combination, do not teach, suggest or disclose each and every element of 44. However, at least because Claim 44 is dependent upon amended independent Claim 40, Applicants request that this rejection of Claim 44 be withdrawn.

F. Response to the Third Section 103(a) Rejection

The Office Action rejected Claims 58-60 and 62 under Section 103(a) as being unpatentable over the Arnoff patent in view of the Williams, Pinch and Wu patents.

The Office Action stated the Arnoff patent discloses a table comprising all the elements recited in the above listed claims, but stated the difference being that the Arnoff patent does not disclose a drawer slidably connected to the lower surface of the table top, and the table top including a lower surface, an upper surface spaced apart from the lower surface, and an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position.

The Office Action contends the Williams patent teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. The Office Action concludes that it would have been obvious at the time of the invention to modify the structure of

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by Williams, since both teach alternate conventional table top structure used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

The Office Action also contends the Pinch patent teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface; wherein the blow-molded plastic table top structure provides a lightweight, yet sturdy table top. The Office Action concludes therefore it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a lightweight, yet sturdy table top, as taught by Prince, since both teach alternate conventional table top structure used for the same intended purpose, thereby providing structure as claimed.

In addition, the Office Action contends the Wu patent teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. The Office Action concludes therefore it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since both teach alternate conventional table top structure having folding leg structure, used for the same intended purpose, thereby providing structure as claimed. In regard to Claim 60, the Office Action states the Arnoff patent, as modified by Wu by providing an opening, facilitates stacking of the table.

Applicants respectfully traverse this rejection because the Arnoff, Williams, Pinch and Wu patents, either alone or in combination, do not teach, suggest or disclose each and every element of 58-60 and 62. Nonetheless, in order to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance, Applicants amended independent Claim 58 to provide, *inter alia*, the following:

a frame connected to the table top, the frame including a first side rail disposed on a first side of the table top and a second side rail disposed on a second side of the table top, the first side rail including at least one guide and the second side rail including at least one guide;

a drawer including a first side wall with an outwardly extending portion that is sized and configured to contact the guide of the first side rail to allow the drawer to be slidably connected to the table top, the drawing including a second side wall with an outwardly extending portion that is sized and configured to contact the guide of the second side rail to allow the drawer to be slidably connected to the table top

a first opening in the side wall of the table top that is sized and configured to receive at least a portion of the single leg assembly; and

a second opening in the side wall of the table top that is sized and configured to receive at least a portion of the drawer;

Thus, amended Claim 58 positively recites the frame includes a first side rail disposed on a first side of the table top and a second side rail disposed on a second side of the table top, the first side rail including at least one guide and the second side rail including at least one guide. In addition, amended Claim 58 positively recites the drawer includes a first side wall with an outwardly

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

extending portion that is sized and configured to contact the guide of the first side rail to allow the drawer to be slidably connected to the table top, the drawing including a second side wall with an outwardly extending portion that is sized and configured to contact the guide of the second side rail to allow the drawer to be slidably connected to the table top. Amended Claim 58 also positively recites the first opening in the side wall of the table top that is sized and configured to receive at least a portion of the single leg assembly; and the a second opening in the side wall of the table top that is sized and configured to receive at least a portion of the drawer.

The Arnoff, Williams, Pinch and Wu patents, however, do **not** teach, suggest or disclose the following: (1) a frame connected to the table top, the frame including a first side rail disposed on a first side of the table top and a second side rail disposed on a second side of the table top, the first side rail including at least one guide and the second side rail including at least one guide; (2) a drawer including a first side wall with an outwardly extending portion that is sized and configured to contact the guide of the first side rail to allow the drawer to be slidably connected to the table top, the drawing including a second side wall with an outwardly extending portion that is sized and configured to contact the guide of the second side rail to allow the drawer to be slidably connected to the table top; (3) a first opening in the side wall of the table top that is sized and configured to receive at least a portion of the single leg assembly; and (4) a second opening in the side wall of the table top that is sized and configured to receive at least a portion of the drawer.

Accordingly, Applicant respectfully request that this Section 103(a) rejection of Claim 58 be withdrawn. In addition, Applicants request that this rejection of Claims 59, 60 and 62 be withdrawn

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

at least because these claims are dependent upon amended Claim 58. Thus, Claims 58-60 and 62 should be in condition for immediate allowance.

G. New Claims 65-78

Applicants added new Claims 65-78 to further clarify, more clearly define and/or broaden the claimed invention. Applicants believe that Claims 65-78 are fully distinguished over the prior art of record and are in condition for immediate allowance.

CONCLUSION

In view of the foregoing, Applicant submits that Claims 40, 41, 44, 45, 46, 49, 50, 58, 59, 60 and 65-78 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

Re. : Amendment and Response to Final Office Action Mailed June 21, 2007
Appl. No. : 10/789,859
Filed : February 27, 2004

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: October 8, 2007

By: /Richard C. Gilmore/
Richard C. Gilmore
Registration No. 37,335
Attorney of Record
Customer No. 22,913

WORKMAN, NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707
E-mail: rgilmore@wnlaw.com

G:\WPDOCS3\RCG\Lifetime Products Inc\450.2 Amendment and Response to Final Office Action Mailed 06-21-07.doc